1 2 3 4 5 6 UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON 7 AT SEATTLE 8 TROY CLEVELAND, an individual, No. 9 Plaintiff, DEFENDANT'S NOTICE OF REMOVAL OF ACTION TO 28 U.S.C.§§ 1332, 1441 10 AND 1446 VS. 11 SAFEWAY INC., a foreign corporation, [REMOVED FROM KING COUNTY SUPERIOR COURT CAUSE NO. 22-2-12 Defendant. 12343-5 KNT1 13 14 TO: Clerk, U.S. District Court, Western District of Washington at Seattle; 15 AND TO: Plaintiff's Counsel of Record. 16 Defendant hereby removes to this Court the state court action described below on the 17 grounds stated herein, and as supported by the Declaration of Kimberly A. Reppart and the exhibits 18 attached thereto. 19 I. INTRODUCTION & STATEMENT OF FACTS 20 On August 5, 2022, Plaintiff served defendant Safeway Inc. with a lawsuit captioned in 21 King County Superior Court entitled Troy Cleveland v. Safeway Inc., Declaration of Kimberly A. 22 Reppart, Exs. 1 and 2. 23 DEFENDANT'S NOTICE OF REMOVAL OF ACTION TO 28 U.S.C.§§ 1332, 1441 FORSBERG & UMLAUF, P.S. AND 1446 - 1 ATTORNEYS AT LAW

CAUSE NO.

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This Notice of Removal is timely under 28 U.S.C. § 1446(b)(1) because it is being filed "...within thirty days after receipt by the defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based..." 28 U.S.C. § 1446(b)(1). Plaintiff is claiming more than \$75,000 in damages, as confirmed by Plaintiff's pre-litigation demand for \$200,000. <u>Reppart Decl.</u> Ex. 4.

Plaintiff is a resident of the State of Washington. <u>Reppart Decl.</u>, ₱ 3 and Ex. 2. Safeway Inc. is a Delaware corporation with headquarters located in Pleasanton, CA. <u>Reppart Decl.</u>, Ex. 3.

II. BASES FOR REMOVAL

A. There is Complete Diversity of Citizenship under 28 USC § 1332.

This Court has subject matter jurisdiction over this civil action pursuant to 28 U.S.C. § 1332(a)(1) and (a)(3), and this action is one that can be removed to this Court by Defendant pursuant to 28 U.S.C. § 1441(b) in that it is a civil action between citizens of different states and the amount in controversy exceeds the sum of \$75,000, exclusive of interest and costs.

The Plaintiff is a resident of Washington State. Reppart Decl., \$\mathbb{P}\$ 3 and Ex. 2. Defendant Safeway Inc. is a Delaware corporation with headquarters located in Pleasanton, CA. Reppart Decl., Ex. 3. Removal of the Plaintiff's action to this Court is proper because there is complete diversity of citizenship of the parties pursuant to 28 U.S.C. \\$ 1332, and there was complete diversity at the time Plaintiff's lawsuit was served.

B. The Amount in Controversy Exceeds the Jurisdictional Minimum.

Plaintiff is claiming more than \$75,000 in damages, as confirmed by Plaintiff's prelitigation demand for \$200,000. Reppart Decl. Ex. 4. This information is sufficient to conclude that plaintiff seeks to recover in excess of \$75,000 in damages against Defendant.

1 C. This Notice of Removal is Timely Under 28 USC § 1446(b). 2 This Notice of Removal is timely under 28 U.S.C. § 1446(b)(1) because it is being filed 3 "...within thirty days after receipt by the defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based..." 28 U.S.C. § 1446(b)(1). 5 6 D. This Notice of Removal Complies with the Applicable Local Rules, and Venue Is Proper in the Western District of Washington under 28 U.S.C. § 7 128(b). 8 This Notice of Removal complies with all applicable Federal Rules of Civil Procedure and Local Rules. Defendant has attached to the Declaration of Kimberly Reppart, filed in support of 10 this Notice, copies of all process, pleadings, and orders served upon it in the state court action, as 11 required by 28 U.S.C. § 1446. Venue is proper in this District pursuant to 28 U.S.C. §§ 128(b) 12 and 1391, because this District encompasses King County, the county listed in the state court 13 complaint served on Defendant. 14 Defendant is serving Plaintiff with copies of this Notice of Removal and the supporting 15 Declaration of Kimberly Reppart (with exhibits). 16 III. CONCLUSION Plaintiff's civil action, originally venued in King County Superior Court for the State of 17 Washington, may be removed pursuant to 28 U.S.C. 1441 and 1446 to the United States District 18 Court for the Western District of Washington at Seattle. 20 21 22 23 DEFENDANT'S NOTICE OF REMOVAL OF ACTION TO 28 U.S.C.§§ 1332, 1441 FORSBERG & UMLAUF, P.S.

DEFENDANT'S NOTICE OF REMOVAL OF ACTION TO 28 U.S.C.§§ 1332, 1441 AND 1446 – 3 CAUSE NO.

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DATED this 30th day of August, 2022. 1 2 FORSBERG & UMLAUF, P.S. 3 4 Kimberly A. Reppart, WSBA #30643 901 Fifth Avenue, Suite 1400 5 Seattle, WA 98164 Tel: 206-689-8500 6 Facsimile: 206-689-8501 Email: kreppart@foum.law 7 Attorney for Defendant 8 DATED this 30th day of August, 2022. 9 FORSBERG & UMLAUF, P.S. 10 11 Alexandra E. Ormsby, WSBA #52677 12 901 Fifth Avenue, Suite 1400 Seattle, WA 98164 13 Tel: 206-689-8500 Facsimile: 206-689-8501 14 Email: aormsby@foum.law Attorney for Defendant 15 16 17 18 19 20 21 22 23

DEFENDANT'S NOTICE OF REMOVAL OF ACTION TO 28 U.S.C.§§ 1332, 1441 AND 1446-4 CAUSE NO.

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